

combination with the wet wiping system of claim 26, said wet wiping system being positioned on said mechanism for servicing said printhead.

51. The system of claim 7, wherein said biasing member is a coil spring.

REMARKS

Claim 27, originally presented as a new claim in the preliminary reissue amendment dated May 17, 2001 and slightly revised in the amendment submitted Feb. 27, 2002 has been fully underlined as required.

Oath/Declaration

The Declaration has been objected to on the basis of inclusion of non-initialed and/or non-dated alterations. The last known addresses of the inventors were inserted into the Declaration form sent to them for signature. Since there are seven inventors, many of who have moved and/or are no longer employed by the assignee of the present invention, some of the inventors merely changed their addresses in manuscript to reflect their current addresses. However, no changes have been made to the specification, claims or drawings prior to execution of the Declaration which would require initialing pursuant to Rule 1.52(c). Reconsideration of the refusal of the Declaration is therefore respectfully requested.

Claim Objections

Claim 2 has been amended to provide a proper antecedent for "said cap".

Claim Rejections - Sec. 103

The rejection of claims 27 and 31 as unpatentable over Takanaka et al in view of

Izumi et al is respectfully traversed. Both Takanaka et al and Izumi et al lack a service station having a printhead cap and an applicator pump having a fluid outlet in the cap for applying a predetermined quantity of fluid to the printhead. As explained in Takanaka et al at Col. 9, lines 48 - 65, an absorbent 103 is positioned in the cap and, at the time of capping, it forms a gap D with the recording head. The absorbent 103 holds liquid, either ink that has been forced out of the recording head or liquid used for rinsing the interior of the cap, to maintain humidity and suppress evaporation of the water content of the ink. Takanaka's element 103 is an absorbent which does not apply liquid, much less a predetermined quantity of liquid, to the printhead. Izumi, et al provides a cleaning chamber and cleaning fluid supply having a fluid outlet in a printhead which is oriented to discharge ink horizontally, not in the cap which covers the printhead. Note that Izumi, et al also requires a drain conduit 28 under negative pressure in the printhead. Gravity flow of the cleaning fluid takes place in the cleaning chamber in the printhead to the drain conduit. Such an arrangement is unsuitable in a printer which vertically ejects ink from the printheads. Since neither reference shows or suggests an applicator pump having a fluid outlet in the cap for applying a predetermined quantity of fluid to the printhead, allowance of claims 27 and 31 is respectfully urged.

Claim Rejections - Sec. 251

The rejection of claims 1-5, 7-31 and 39-45 based upon a defective reissue declaration has been dealt with above.

The Examiner's rejection of claims 1-5, 7-15, 24, 27-31, 39, 43 and 51 as being

an improper recapture of subject matter surrendered in the application for patent upon which the present reissue is based is not fully understood and is therefore respectfully traversed.

In the Office Action mailed December 4, 2001, the Examiner stated, with regard to claims 1-5, 7-15, 24, 39, 43 and 51, that applicant has surrendered subject matter including a system having a container which is not clearly recited as being moveable. This issue was dealt with in the amendment dated February 27, 2002 by limiting independent claims 1 and 24 to a moveable container - the other claims being in dependent form. It is accordingly believed that the rejection, insofar as it pertains to claims 1-5, 7-15, 24, 39, 43 and 51 has been overcome.

The Examiner also stated, in the Office action mailed December 4, 2001 with regard to claims 27-31, that presentation of the service station with neither an applicator nor a specific wiper provides the broadening aspect to the claims. Although independent claim 27, first presented in the preliminary amendment of the broadening reissue application, is broader in certain respects than the claims which appeared in the patent, it is also materially narrower in being limited to a service station which includes a printhead cap and an applicator pump having a fluid outlet in the cap. As stated by the CAFC in *In re Clement* 45 USPQ2d at 1165, "Reissue claims that are broader in certain respects and narrower in others may avoid the effect of the recapture rule." And, as stated in *Hester Industries v. Stein* 46 USPQ2d 1641 (Fed. Cir 1998), the reissue statute is to be construed liberally.

Applicant has not surrendered any of the subject matter now claimed. The Examiner is correct in stating that the amendment dated February 10, 1998 restricted then pending

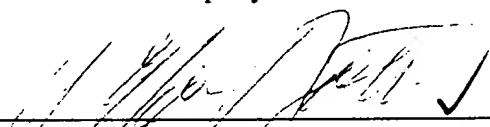
claim 1 (which appeared as patent claim 16, and all claims dependent thereon) to, among other elements, a specific form of applicator having a first portion in fluid communication with the reservoir and a second portion positioned for directly contacting at least one of the printhead and wiper. Claim 27 includes materially narrower limitations directed to a specific form of the invention which is fully disclosed and has never been claimed or surrendered either explicitly or by implication, namely a system which includes a service station having a cap and an applicator pump having a fluid outlet in the cap. Claim 27 also calls for a wiper although the wiper takes no specific form.

Favorable reconsideration of the claims, as amended, and early allowance of the application, is respectfully requested.

Respectfully submitted,

Hewlett-Packard Company

by


W. Norman Roth, Reg. No. 26,225



2. (Amended) A wet wiping system according to claim 1, wherein said distal end portion of said second block of porous material includes an applicator, said applicator having a first portion in fluid communication with said reservoir to draw fluid from said reservoir, and said applicator having a tip configured and positioned for directly contacting at least one of said elements to apply a reproducible quantity of servicing fluid onto said at least one element, servicing fluid being transferred to the tip of the applicator by capillary action, a cap for sealingly contacting said printhead, [and] said applicator [is] being located adjacent to said cap.